

REMARKS

The first line of the specification has been amended to include a specific reference to the application from which this Application claims benefit. Although the benefit claim was not previously included in the first line of the specification, it was included in the transmittal filed with the Application. Therefore, the claim for priority was timely made. A copy of the transmittal is attached in APPENDIX A. In addition, the benefit claim was recognized by the Patent and Trademark Office (the "Office"), as shown by its inclusion on the Filing Receipt. A copy of the Filing Receipt is attached in APPENDIX B.

MPEP §201.11 (V) (Rev. 1, Feb. 2003) states:

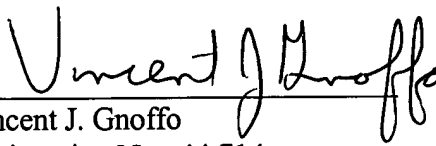
“If an applicant includes a claim to the benefit of a prior application elsewhere in the application but not in the manner specified in 37 CFR 1.78(a)(2)(i) and (a)(2)(iii) or 37 CFR 1.78(a)(5)(i) and (a)(5)(iii) (e.g., if the benefit claim is included in an unexecuted oath or declaration or the application transmittal letter) within the time period set forth in 37 CFR 1.78(a)(2)(ii) or (a)(5)(ii), the Office will not require a petition and the surcharge under 37 CFR 1.17(t) to correct the benefit claim if the information concerning the benefit claim contained elsewhere in the application was recognized by the Office as shown by its inclusion on a filing receipt.” [emphasis added].

Therefore, because the benefit claim was included in the transmittal filed with the Application, shown in APPENDIX A, and was recognized by the Office as indicated by the Filing Receipt, shown in APPENDIX B, it is respectfully requested that this amendment be entered.

SUMMARY

The Examiner is invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,



Vincent J. Gnoffo
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APPENDIX A

Copy of Transmittal

(for US Patent Application Serial No. 10/633,394)

"Express Mail" mailing label number EV 327130815 US

Date of Deposit July 31, 2003



REQUEST FOR FILING A CONTINUING PATENT APPLICATION UNDER 37 CFR § 1.53(b)(1)

Case No.	ANTICIPATED CLASSIFICATION OF THIS APPLICATION		PRIOR APPLICATION EXAMINER	ART UNIT
568/261	CLASS	SUBCLASS	Yvonne Michelle Horton	3635

Address to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This is a request for filing a ☐ continuation ☒ divisional application under 37 CFR § 1.53(b)(1), of pending prior application number 10/093,583, filed on March 8, 2002, entitled RECORD RECEPTACLE FOR A BURIAL VAULT.

- ☒ Copy Of the Prior application, including 18 sheets of drawings, 37 pages of Application (including title page), and the following Appendices None.
- ☒ Copy of the Declaration filed in the Prior application.
- ☐ PTO Form 1449 and Information Disclosure Statement.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	13 - 20 =	0	x \$ 18 =	\$
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	1 - 3 =	0	x \$ 84 =	\$
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$280 =	\$ 0.00
				BASIC FEE (37 CFR 1.16(a))	\$ 750
				Total of above Calculations =	\$
				Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28)	\$
				TOTAL =	\$375

- ☒ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27
☐ is enclosed.
☒ was filed in prior application number 10/093,583 and such status is still proper and desired (37 CFR 1.28(a)).
- ☒ The Commissioner is hereby authorized to charge any fees which may be required under 37 CFR 1.16 and 1.17, or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☒ Enclosed is a check for \$ 375 to cover the filing fees.
- ☒ Cancel in this application original claims 1-30 and 44-86 of the prior application and otherwise enter the attached preliminary amendment before calculating the filing fee. (At least one original independent claim must be retained for filing purposes).
- ☒ The inventor(s) of the invention being claimed in this application is(are): Michael S. Pazar.
- ☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 CFR 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application: _____.
- ☒ Amend the specification by inserting before the first line the sentence: "This application is a ☐ continuation ☒ division of application number 10/093,583, filed March 8, 2002, (pending), which is hereby incorporated by reference herein."

11. ☐ New formal drawings are enclosed.
12. ☐ Priority of foreign application number _____, filed on _____ in _____ is claimed under 35 U.S.C. 119.
☐ The certified copy has been filed in prior application number _____, filed
13. ☐ A preliminary amendment is enclosed.
14. ☒ The prior application is assigned of record to Wilbert Funeral Services, Inc.
15. ☐ Also enclosed: _____.
16. ☒ The power of attorney in the prior application is to: Vincent J. Gnoffo and other attorneys at the firm of BRINKS HOFER GILSON & LIONE.
- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Address all future correspondence to: (may only be completed by applicant, or attorney or agent of record.)

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July 31, 2003
Date

Vincent J. Gnoffo
Signature
Name: Vincent J. Gnoffo
Reg. No. 44,714

- ☐ Inventor(s)
☐ Assignee of complete interest
☒ Attorney or agent of record
☐ Filed under 37 CFR 1.34(a)
Registration Number if acting under 37 CFR 1.34(a): _____.

APPENDIX B

Copy of Filing Receipt

(for US Patent Application Serial No. 10/633,394)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/633,394	07/31/2003	3677	375	568/261	18	13	1

CONFIRMATION NO. 2818

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FILING RECEIPT



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RECEIVED
JUN - 2004
U. S. DOCKET

Date Mailed: 06/02/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Michael S. Pazar, Villa Park, IL;

Assignment For Published Patent Application

Wilbert Funeral Services, Inc.;

Domestic Priority data as claimed by applicant

This application is a DIV of 10/093,583 03/08/2002

Foreign Applications

If Required, Foreign Filing License Granted: 06/01/2004

Projected Publication Date: 09/09/2004

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Record receptacle for a burial vault

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).